

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2001-264-T

IN RE: Petition of the Office of Regulatory)	
Staff to Revoke the Certificate of)	
Public Convenience and)	PETITION FOR RULE TO
Necessity of Ace Transportation, LLC)	SHOW CAUSE
For Failure to Maintain and File)	
Evidence of Insurance)	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (1976 and Supp. 2005); that the Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10, et seq. as enacted by 2005 S.C. Acts 175.

2. That Ace Transportation, LLC (hereinafter "Ace Transportation") is currently operating as a "motor vehicle carrier" as defined in S.C. Code Ann. §58-23-10(4) (Supp.2005) in that it owns, controls, operates, or manages motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That Ace Transportation is subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (1976 and Supp.2005); further, that Ace Transportation has submitted itself to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity as indicated in Attachment A. See Attachment A, Certificate of Public Convenience and Necessity issued by the Commission to Ace Transportation on July 2, 2001.

4. That Ace Transportation, upon receiving its Certificate of Public Convenience and Necessity, was found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found Ace Transportation to be “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina” and that Ace Transportation “agree(d) to operate in compliance with these statutes and regulations” [26 S.C. Code Regs 103-133(4)(a) (Supp. 2005)]; further, that Ace Transportation was “aware of the Commission's insurance requirements and the costs associated therewith” [26 S.C. Code Regs 103-133(4)(b) (Supp. 2005)].

5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (Supp.2005).

6. That the ORS was notified by the receipt of a Form K, “Uniform Notice of Cancellation of Motor Carrier Insurance Policies,” received by the ORS on or about July 6, 2006 from the Great Divide Insurance Company that Ace Transportation’s insurance policy with Great Divide would be terminated at 12:01am on September 13, 2001. See Attachment B, Form K.

7. That as a result of the receipt of the Form K, the ORS contacted Ace Transportation requiring that the Company provide evidence of insurance to the ORS within thirty (30) days as Ace Transportation would no longer have insurance as required under S.C. Code Ann. §58-23-910 (Supp. 2005) on August 6, 2006. See Attachment B, Form K and Attachment C, Certified Letter of George Parker.

8. That Ace Transportation has failed to respond or otherwise provide proof of insurance to the ORS as required by S.C. Code Ann. §58-23-910 (Supp.2005) and 26 S.C. Code Regs 103-171 (Supp.2005). See Attachment D, Affidavit of Jeanne Gordon.

9. That “either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier.” 26 S.C. Code Regs. 103-175 (Supp. 2005); further, that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (Supp. 2005).

10. That pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2005):

The Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria, or the motor carrier holding a charter bus certificate no longer meets the Commission's insurance requirements or the safety requirements of the Department of Public Safety, or the continuance of said certificates are not in conformity with the spirit and purpose of the law, provided, however, that this rule shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an order granting operating rights without hearing where certain conditions exist.

11. That “the Commission may, at any time, by its order, duly entered, after a hearing had upon notice to the holder of any certificate hereunder at which such holder shall have had an opportunity to be heard and at which time it shall be proved that such holder has willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or any of the terms of his certificate or of the Commission's proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of Articles 1 to 11 of this chapter.” S.C. Code Ann. §58-23-320 (Supp.2005).

12. That the address upon which the ORS served the letter attached hereto as Attachment A notifying Ace Transportation that it was no longer in compliance with the Commission requirements concerning proof of insurance is the mailing address on file with the Commission and ORS and such address was provided by Ace Transportation.

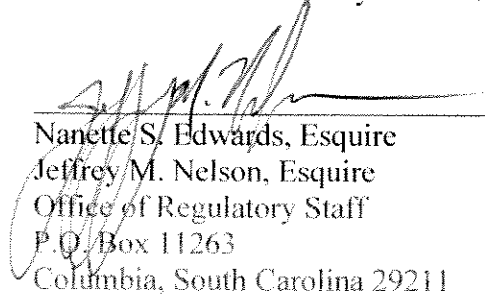
WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Immediately suspend the effectiveness of the Certificate of Public Convenience and Necessity held by Ace Transportation shown in Attachment A for its failure to file necessary proof of insurance forms pursuant to 26 S.C. Code Regs. 103-175 (Supp.2005);

2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificate which the ORS seeks to have revoked by the Commission in this action pursuant to 26 S.C. Code Regs. 103-175 and 103-240 (Supp.2005) and S.C. Code Ann. §58-23-320 (Supp.2005).

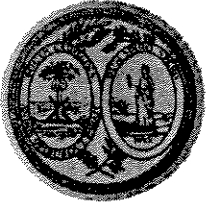
3. Following the formal administrative hearing, immediately rule to revoke the Certificate of Ace Transportation in accordance with the authority provided the Commission under S.C. Code Ann. §58-23-320 and thereafter immediately enter a final written order canceling the Certificate of Public Convenience and Necessity held by Ace Transportation;

4. For other appropriate action which the Commission may deem necessary.



Nanette S. Edwards, Esquire
Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
P.O. Box 11263
Columbia, South Carolina 29211

September 13, 2006
Columbia, South Carolina



**Public Service Commission of South Carolina
Columbia, South Carolina**

Docket No. 2001-264-T
Order No. 2001-596
Certificate No. 7119

CLASS C CHARTER

**Certificate of Public Convenience and Necessity
For the Operation of
MOTOR VEHICLE CARRIERS**

NAME: ACE TRANSPORTATION,LLC.

ADDRESS: 150 Howell Circle # 438, Greenville, SC 29615

(Mailing address: Post Office Box 17113, Greenville, SC 29606)

is hereby authorized to furnish passenger service, by means of motor propelled vehicles, as follows:

BETWEEN POINTS AND PLACES IN SOUTH CAROLINA

RESTRICTED TO: FIFTEEN (15) PASSENGERS

COPY

THIS CERTIFICATE is issued upon finding by the Commission, that Public Convenience and Necessity require such operation, under the terms of the Motor Vehicle Carriers' Law (Sections 58-23-10 - 58-23-60 of the South Carolina Code of Laws, 1976, and amendments thereto), and,

CONDITIONED: That all motor vehicles operated by virtue of this Certificate shall be so operated in accordance with the said Motor Vehicle Carriers' Law and the Rules and Regulations issued thereunder, and,

CONDITIONED FURTHER: That neither this Certificate nor the rights granted herein shall be sold, assigned, leased, transferred, mortgaged, pledged, or otherwise hypothecated, unless first approved by the Commission.

DATED at Columbia, South Carolina, this 2nd day of July A.D., 2001.

Mary E. Walsh

Executive Director

William B. ...

Chairman

Jul 6, 2006 12:07PM

No. 9133 P. 2

FORM K

UNIFORM NOTICE OF CANCELLATION

07/30/2001

EXPIRATION

MOTOR CARRIER INSURANCE POLICIES

(EXCEPT IN INTRASTATE)

RECEIVED

EXP. DATE

Check Type Canceled:

BI and PD ☒

Cargo ☐

JUL - 6 2006

Filed with SOUTH CAROLINA PSC

INTRASTATE AUTHORITY
ON FILE

TTW.WWW

This is to advise that under the terms of a policy or policies issued to:

ACE TRANSPORTATION, LLC

of PO BOX 5573 GREENVILLE SC 29606

(NAME OF MOTOR CARRIER)

(ADDRESS OF MOTOR CARRIER)

by Great Divide Insurance Company

(NAME OF COMPANY)

of 7273 E. Butherus Dr., Scottsdale, Arizona 85260

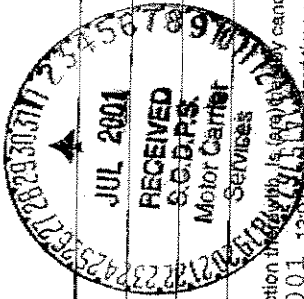
(ADDRESS)

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby canceled effective as of the 13TH day of SEPTEMBER 2001, 12:01 PM standard time at the address of the insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

Insurance Company File No. CB011481

(POLICY NUMBER)

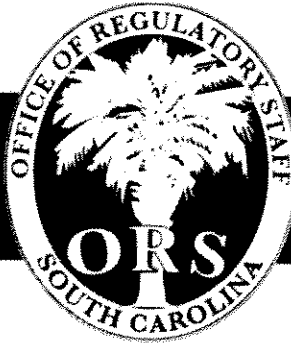
MC 2445 (Ed. 4-88)



Carolee Jorgensen
(SIGNATURE OF INSURER)

C DUKES SCOTT
EXECUTIVE DIRECTOR

1441 Main Street, Suite 300
Columbia, SC 29201



Phone: (803) 737-0800
Fax: (803) 737-0801

DAN F. ARNETT
CHIEF OF STAFF

KATIE C. MORGAN
DIRECTOR

TELECOMMUNICATIONS, TRANSPORTATION, WATER/WASTEWATER

July 6, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ace Transportation, LLC
P.O. Box 11713
Greenville, SC 29615

RE: Public Service Commission Required Intrastate Insurance Filing

Dear Sir/Madam:

Pursuant to S.C. Code Regulation 103-170.1, all motor carriers regulated by the Public Service Commission must file evidence of current insurance. It has been brought to the attention of the Office of Regulatory Staff that our file indicates the most current proof of insurance is a Form E from the Great Divide Insurance Company with an effective date of September 13, 2000. On July 6, 2006, our office received a notice of cancellation (Form K) from Great Divide Insurance Company with the following information:

Insurance Type:	Public Liability and Property Damage Insurance Policy No CB011481
Issued by:	Great Divide Insurance Company
Will be:	<u>CANCELLED EFFECTIVE 09/13/01 at 12:01 a.m.</u>

To remain in compliance with the Public Service Regulations, it is necessary that you file proof of current insurance coverage (**FORM E**) with the Office of Regulatory Staff prior to **August 6, 2006**. Proof of insurance can be mailed or faxed to:

S.C. Office of Regulatory Staff
Transportation Department
PO Box 11263
Columbia, SC 29211

Fax: 803-737-0801

****IMPORTANT** **IMPORTANT** **IMPORTANT****

If you have renewed your insurance with the same company or changed insurance companies, please contact our office to see if your insurance company has submitted a current Form E.

If you receive this letter and your company is no longer in business, please contact the Transportation Department at 803-737-0800 and request a Cancellation of Certificate Form.

If you fail to provide this information by August 6, 2006, you are ordered and directed to cease operations that day. Operation without proper insurance is a violation of the law and you will be subject to all penalties as outlined in the S.C. Code of Law and Regulations.

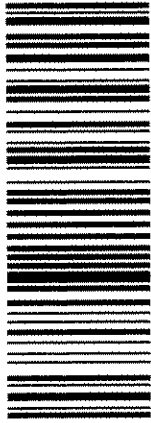
Please contact the Transportation Department with any questions at 803-737-0800.

Sincerely,

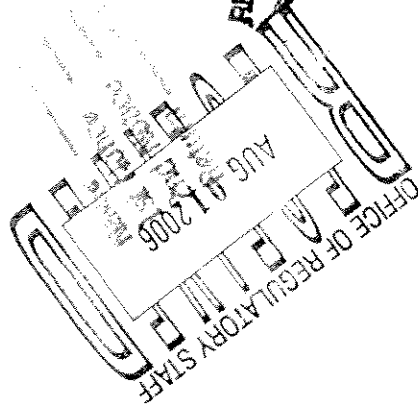
L. George Parker
Program Manager, Transportation Department

State of South Carolina
Office of Regulatory Staff
PO Box 11263
Columbia, SC 29211

DEFINITE MAIL™



7005 0390 0002 6157 3651



Ace Transportation, LLC
P.O. Box 11713
Greenville, SC 29615

RETURN TO ORIGINAL ADDRESS
FOR PROPER HANDLING

NIXIE

296

1

34 07/27/06

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 29211125353 *0454-01550-11-42

2921101253

0004367136 JUL 10 2006
MAILED FROM ZIP CODE 29201



02 1A
\$04.640
JUL 10 2006
MAILED FROM ZIP CODE 29201

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2001-264-T

September 13, 2006

IN RE: Petition of the Office of Regulatory)
 Staff to Revoke Certificates of) AFFIDAVIT OF
 Public Convenience and) Jeanne Gordon
 Necessity of Certain Motor Carriers)

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Jeanne Gordon and I am employed by the Office of Regulatory Staff ("ORS") as Program Specialist for the Transportation Department.
- 2) My office is located at 1441 Main Street, Columbia, South Carolina, 29201 (Mailing Address: Post Office Box 11263, Columbia, South Carolina 29201).
- 3) My duties and responsibilities as Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On August 6, 2006, I examined the business records on file with ORS.
- 7) I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 has not been filed with ORS by the following company as of September 6, 2006:

Ace Transportation, LLC
PO Box 11713
Greenville, SC 29615

AND FURTHER THE AFFIANT SAYETH NOT.

Jeanne Gordon
Jeanne Gordon
Program Specialist, Transportation Department
Office of Regulatory Staff
P.O. Box 11263
Columbia, South Carolina 29211

Sworn and subscribed before me
this 16 day of August, 2006

Susan Hauptmann
Notary Public for South Carolina
My Commission Expires: 08-17-07

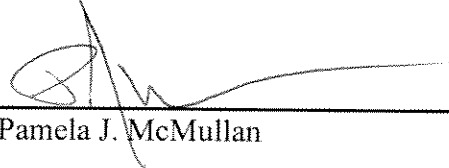
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IN RE: Petition of the Office of Regulatory)
Staff to Revoke the Certificate of)
Public Convenience and)
Necessity of Ace Transportation,)
LLC For Failure to Maintain)
and File Evidence of Insurance)
_____)

CERTIFICATE OF SERVICE

This is to certify that I, Pamela J. McMullan, have this date served one (1) copy of the **PETITION FOR RULE TO SHOW CAUSE AND MOTION FOR IMMEDIATE SUSPENSION** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Ace Transportation, LLC
PO Box 11713
Greenville, SC 29615



Pamela J. McMullan

September 13, 2006
Columbia, South Carolina